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764 6.5411

1958 JUN 20 PM
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762B.5411/6-2058

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Following is text aide-memoire re Army personnel and helicopter held East Germany given by Deputy Under Secretary Murphy to Soviet Charge this evening:

On June 7, 1958 pilot of US Army helicopter en route from Frankfurt to Grafenwoehr in West Germany inadvertently crossed zonal border and made forced landing near Zwickau in East Germany. Helicopter carried eight Army officers and one enlisted man.

On following day, as soon as it was known where aircraft had landed, CINCUSAREUR, Gen. Hodes, sent note to CG GSFG, Gen. Zakharov, expressing regret at this unintentional overflight and landing and requesting return of men and aircraft to US control.

On June 10, having received no reply, Gen. Hodes asked Gen. Suvorov, Chief of Soviet Military Liaison Mission to US Forces, to inform Gen. Zakharov that

prompt

Drafted by:

EUR:GER:GPA:TDMcKierhan:esw 6-20-58

Telegraphic transmission and classification approved by:

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Clearances:

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S/S CR

JUN 20 1958 P.M.

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prompt return of men and aircraft was expected. Gen. Hodes reminded Gen. Suvorov of ^{which defines functions of Military Mission} ~~transmission~~ Huebner-Malinin Agreement of April 5, 1947. Meanwhile Chief USMLM, Col. McQuail, repeatedly but unsuccessfully requested assistance of Soviet authorities in making contact with US personnel.

Gen. Zakharov replied to Gen. Hodes June 12 to effect this question was not matter for Soviet Forces but was QUOTE solely within competence of GDR UNQUOTE. Gen. Hodes expressed to Gen. Suvorov, who delivered reply, his disappointment with position taken by Gen. Zakharov. He emphasized this was military matter with which Gen. Zakharov ^{was obligated to deal.} ~~could deal regardless of who was physically detaining men~~ He reiterated Huebner-Malinin Agreement gave USMLM right aid US personnel in question and asked how Mission could make contact with men and arrange for their return.

Col. McQuail thereupon requested Soviet military authorities intervene with local German authorities. This request was refused.

Col. McQuail next requested that Soviet military authorities put him in touch with local German authorities with whom arrangements could be made for release. ^{of} Chief/External Relations Branch of Soviet Forces, Col. Sergeyev, on June 13 made appointment for Col. McQuail discuss return of men and aircraft with Mr. Otto Winser, a Deputy Minister for Foreign Affairs, and arranged have Soviet officer accompany Col. McQuail.

Col. McQuail and Mr. Winser have since had four meetings, on June 14, 16, 18, and 19, but these meetings have unfortunately produced no result. Col. McQuail has shown documentation from both American Ambassador and Gen. Hodes confirming he is fully authorized undertake ~~all~~ discussions and make ~~all~~ arrangements for return and has

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has assured Mr. Winzer he is ready meet all normal and reasonable requirements for doing so. He showed Mr. Winzer form of receipt which he or officer accepting men and aircraft would be prepared furnish, and he offered immediate reimbursement of various expenses which had been mentioned by Mr. Winzer. Mr. Winzer, however, repeatedly obstructed conclusion of arrangements for return by interjecting procedural difficulties and ^{raising} extraneous political issues. Mr. Winzer made co-operation of local German authorities conditional upon willingness of Col. McQuail or other representatives of US agree to wholly unnecessary and unacceptable negotiations or formal agreements.

Under these circumstances Gen. Hodes gave Gen. Suvorov on June 19 memorandum for Gen. Zakharov calling latter's attention to delay. He reminded Gen. Zakharov of his responsibility under existing agreements and pointed out that discussions with local German authorities, which Soviet authorities had arranged, had been unsuccessful. He reiterated his request that men and aircraft be promptly returned immediately. He added that, in meantime, arrangements be made for Col. McQuail to visit men.

GOVT of US wishes draw attention to arrangements worked out between Gen. Clay and Gen. Sokolovsky in August 1946 providing for immediate return of Soviet personnel who were arrested or detained in US Zone of Occupation, and of US personnel who were arrested or detained in Soviet Zone. These arrangements were supplemented by Huebner-Malinin agreement of April 5, 1947 relating to activities of Military Liaison Missions accredited to Soviet and US Commanders-in-Chief. Para 14 b of this Agreement provides:

QTE In each zone mission will have right to engage in matters of protecting interests of their nationals and to make representations accordingly as well as in

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matters of protecting their property interests in zone where they are located. They have a right to render aid to people of their own country who are visiting zone where they are accredited. UNQTE

Until present incident, procedures set up under these agreements for the return of military personnel of the two countries when arrested or detained have functioned effectively. Thus, in past year, US authorities have returned Soviet soldier, Private Nikolai F. Ruzanov, to Soviet military authorities, while Soviet authorities, only three weeks ago, returned three US airmen to American control.

Government of US views with ^{grave} concern prolonged detention in Soviet Zone of Germany of military personnel and aircraft in question. It wishes reemphasize responsibility of Soviet military authorities in Germany to see that men and aircraft are returned to US control without further delay.

Government of US therefore requests that appropriate instructions be issued ^{urgently} to Soviet military authorities in Germany to assure that ^{US personnel} men and helicopter are promptly returned to US control in accordance with long-standing ^{mutual} arrangements referred to above.

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